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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ALEJANDRO INCERA,

Defendant.

Case No. 2:18-cr-00169-JCM-NJK

**Stipulation to Continue Deadline to File
Response in Opposition** (First Request)

IT IS HEREBY STIPULATED AND AGREED, by and between CHRISTOPHER CHIOU, Acting United States Attorney, and PETER S. LEVITT, Assistant United States Attorney, counsel for the United States of America; and JIM HOFFMAN, Esq., counsel for Defendant ALEJANDRO INCERA, that the government's response to Incera's Motion to Modify Sentence Under 18 U.S.C. § 3582 (ECF No. 152) ("Def. Mot.") be continued from June 18, 2021, to July 2, 2021.

This stipulation is entered into for the following reasons:

1. Incera is currently incarcerated and serving his 78-month custodial sentence in CI Giles Wilkes Dalby, a private prison in Texas. His projected release date is April 10, 2026. *See* Judgment in a Criminal Case (ECF No. 99) (May 22, 2019) (concurrent sentences imposed for unlawful distribution of opioids and health care fraud).

2. On June 11, 2021, Incera, through counsel, filed the instant motion under Section 3582(c)(1)(A), seeking a modification of his sentence based on compassionate release. *See* Def. Mot. at 12 (seeking to have his sentence “reduce[d] . . . to time served” or to “allow him to serve a portion of any remaining reduced sentence on home confinement”).

3. The government requires additional time to obtain Incera’s medical records from the facility in which he is incarcerated; to review those records against the backdrop of the Section 3582 and the reported precedent; and to prepare a response in opposition.

4. On June 15, 2021, the undersigned spoke with Incera’s attorney, who advised there was no objection to the proposed continuance.

5. Incera will not be prejudiced by the brief continuance requested here.

6. This is the first request for a continuance of the government’s deadline to file a response to ECF No. 152.

WHEREFORE, the parties respectfully request that this Honorable Court enter an Order that GRA this Joint Stipulation.

DATED this 15th day of June, 2021.

Respectfully submitted,

CHRISTOPHER CHIOU
Acting United States Attorney

/s/ Peter S. Levitt
PETER S. LEVITT
Assistant United States Attorney

/s/ Jim Hoffman, Esq
JIM HOFFMAN, ESQ.
Attorney for Alejandro Incera

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

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ALEJANDRO INCERA,

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ORDER

Based on the pending Joint Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Incera is currently incarcerated and serving his 78-month custodial sentence in CI Giles Wilkes Dalby, a private prison in Texas. His projected release date is April 10, 2026. *See* Judgment in a Criminal Case (ECF No. 99) (May 22, 2019).

2. On June 11, 2021, Incera, through counsel, filed the instant motion under Section 3582(c)(1)(A), seeking a modification of his sentence.

3. The government requires additional time to obtain Incera's medical records from the facility in which he is incarcerated; to review those records against the backdrop of the Section 3582 and the reported precedent; and to prepare a response in opposition.

4. On June 15, 2021, counsel for the government spoke with Incera's attorney, who advised there was no objection to the proposed continuance.

5. Incera will not be prejudiced by the brief continuance requested here.

6. This is the first request for a continuance of the government's deadline to file a response to ECF No. 152.

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1 **CONCLUSIONS OF LAW**

2 The ends of justice served by granting said continuance are in the best interest of this
3 Court, the parties, and the public, and the failure to grant said continuance would be likely to
4 result in a miscarriage of justice and would deny the parties sufficient time and the opportunity
5 to prepare their pleadings, taking into account the exercise of due diligence.

6 **ORDER**

7 IT IS THEREFORE ORDERED that the government's response to Defendant Alejandro
8 Incera's Motion to Modify Sentence (ECF No. 152) is due not later than July 2, 2021.

9 DATED June 16, 2021.

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12 THE HONORABLE JAMES C. MAHAN
13 UNITED STATES DISTRICT JUDGE
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